MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

PLG0012 – GENERAL PRINCIPLES OF LAW

(All sections / Groups)

13 OCTOBER 2016

2.30 PM – 4.30 PM

(2 Hours)

INSTRUCTIONS TO STUDENTS

1. This Question paper consists of 3 pages only.
2. Answer (3) THREE QUESTIONS.
3. Please print all your answers in the Answer Booklet provided.

SECTION A: ESSAY [40 MARKS]

Instruction: Answer **ONE** question only.

QUESTION 1 [40 marks]

a. "Common law is capable of evolving in the light of changing social, economic and cultural developments." Lord Keith, **R v R** [1992] 1 A.C. 599

To what extent is this statement an accurate reflection of the role of precedent? Use case law to illustrate your answer. **(20 Marks)**

b. Mark is driving home from work when he is involved in a road traffic accident. He is arrested on suspicion of dangerous driving. At the police station a police officer tells him that if he admits to careless driving he will advise the custody sergeant not to pursue charges of the more serious offence of dangerous driving. Mark is very tired and wants to go home and, although he has no solicitor present, he admits to the charge of careless driving. Mark is nevertheless later charged with dangerous driving under Section 42 of the Road Transport Act 1987 which he shall on conviction be liable to be punished with imprisonment for a term not exceeding five years and to a fine of not less than five thousand ringgit. He says that he is not guilty of either careless or dangerous driving.

Would this case be tried in the Magistrate or Session Court? Critically discuss the difference between these two courts. **(20 Marks)**

QUESTION 2 [40 marks]

Frank wishes to set up an environmentally-friendly taxi service between Malacca and KLIA airport, 143km away. He contacts Ringo, a supplier of electrically-powered taxis and is advised by a senior salesman that a model called the Infinity has a range between battery charges of 300km and would therefore be suitable for the 286km return journeys required. Frank buys an Infinity model at a cost of RM100,000 and sets up his taxi business. On a trial journey, the vehicle's battery runs out of charge after just 150 km and Frank has to call for roadside assistance to be towed home. He investigates the matter further only to find out that the Infinity is only suitable for very short journeys and does not have the 300km range required. Frank is forced to abandon his planned business. The car is now worth RM50,000 and Frank has also lost a further RM30,000 in business set-up costs.

Advise Frank as to the potential liability against Ringo for the losses he has sustained. **(40 Marks)**

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SECTION B: ESSAY [60 MARKS]

Instruction: Answer **TWO** questions only.

QUESTION 3 [30 marks]

Answer the following questions, supported by relevant case law:

a. What are the elements of assault?

(6 Marks)

b. Ali had recently lost his job as a postman. He was distraught about not being able to afford to feed his pet Tiger, Alba. He decided to kidnap Boron, a rich man's son and ransom him for money. Last week, Ali kidnapped Boron on his way back from school and kept him locked up in a room. Ali would beat Boron whenever the boy cried or made loud noises. Yesterday, Alba escaped from its cage and attacked a neighbour. What are Ali's possible liabilities in Tort?

(24 Marks)

QUESTION 4 [30 marks]

Answer the following questions:

a. Analyze the news below and identify in which courts this case was tried. Discuss also about the court and your reason(s). **(8 Marks)**

> **Canny's rapist-killer faces the gallows**
> **KUALA LUMPUR**: Ahmad Najib Aris, the man convicted of the rape and murder of IT analyst Canny Ong Lay Kian (*pic*) six years ago, has exhausted all his legal avenues to overturn his death sentence.
>
> *Adapted from The Star, Thursday October 22, 2009*

b. Explain the difference on Criminal Law and Civil Law. **(6 Marks)**

c. Advise Ezekiel on the following two (2) matters:

(i) Ezekiel, a handsome and genius 14-year-old boy was granted by the JPA a scholarship to study his Cambridge A-Levels at BLC University. Ezekiel was unable to adapt with the university life and finally quit from the University. The JPA threatened to take legal action against Ezekiel. Ezekiel comes to see you for legal advice. **(8 marks)**

Continued .....

(ii) Ezekiel borrowed RM8,000 from Mohan and spent RM4,000 to buy an Avengers limited edition comic book series. The balance was spent on a holiday in Vietnam. He failed to repay his loan to Mohan. Mohan threaten to take legal action against Ezekiel. Ezekiel comes to see you for legal advice.

(8marks)

QUESTION 5 [30 marks]

Briefly explain on the various methods of Discharge of Contract. **(30 marks)**

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